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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF WASHINGTON**

7 BRANDON COOPER,

8 Plaintiff,

9 vs.

10 COMMISSIONER OF SOCIAL

11 SECURITY

12 Defendant.

No. 1:16-CV-03046-FVS

ORDER ADOPTING REPORT AND  
RECOMMENDATION TO DENY  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND  
GRANT DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

13 **BEFORE THE COURT** is the Report and Recommendation issued by  
14 Magistrate Judge Mary K. Dimke on July 24, 2017, ECF No. 25, recommending  
15 Plaintiff's Motion for Summary Judgment, ECF No. 14, be granted and  
16 Defendant's Motion for Summary Judgment, ECF No. 20, be denied. No objection  
17 was filed. After review, the Court hereby adopts the Report and Recommendation  
18 in its entirety. Accordingly, **IT IS ORDERED:**

19 1. The Report and Recommendation, **ECF No. 25**, is **ADOPTED** in its  
20 entirety.

1           2.     Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is  
2 **GRANTED.**

3           3.     Defendant's Motion for Summary Judgment, **ECF No. 20**, is  
4 **DENIED.**

5           4.     An application for attorney fees may be filed by separate motion.

6           The District Court Executive is directed to file this Order and forward copies  
7 to counsel. Judgment shall be entered for Plaintiff and the file shall be **CLOSED.**

8           DATED August 8, 2017.

9                                 s/Fred Van Sickle  
10                                Fred Van Sickle  
                              Senior United States District Judge